CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

JANUARY 20, 2004

INVOCATION
Pastor Tim Vercellono of the Santa Maria Foursquare Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Mariscal led the pledge of allegiance.

CALL TO ORDER
Mayor Lavagnino called the meeting to order at 6:30 p.m.

ROLL CALL
MEMBERS PRESENT
Councilmembers Mariscal, Trujillo, and Mayor Lavagnino.

MEMBERS ABSENT:
Councilmembers Orach and Patino.

ALSO PRESENT
City Manager Ness, Assistant City Manager Haydon, City Attorney Montandon, Director of Community Development Lindsey, Director of Administrative Services Cox, Fire Chief Ortiz, Director of Public Works Karp, Director of Recreation and Parks Posada, Utilities Manager Chisam, Senior Deputy City Attorney Stockton, and Chief Deputy City Clerk Perez.

PROCLAMATION COMMENDING ART CONTEST WINNERS
Councilmember Mariscal presented proclamations commending Janet Ramirez and Olivia Rose Gore, elementary school students from Santa Maria, who were two of the winners of the 2004 Air Pollution Control District (APCD) calendar art contest.

VOLUNTEER OF THE MONTH
Councilmember Trujillo recognized Jose and Susan Baro, the January 2004 Recreation and Parks Volunteers of the Month, for their dedication and commitment to the Santa Maria Recreation and Parks Department Jr. High Volleyball League. Mr. and Mrs. Baro were not present to accept their gift.

PROCLAMATION FOR RESPECT FOR LIFE
Mayor Lavagnino presented a proclamation to Pat Riehle, Chairperson, declaring the week of January 18 through 24, 2004, as "Respect for Life Week".

Pat Riehle, Dr. George Duane, Richard McCreery, and Mrs. Jan Rush spoke regarding the Respect for Life campaign.

CONSENT CALENDAR
William Wagener expressed opposition to Items A, B, D, E, and F being on the Consent Calendar.

Councilmember Mariscal requested one correction to the Minutes, on page 7, Robert Ramos's wife name is Yolanda, not Rhonda.

Consent Calendar Items A through F were accepted as corrected, approved with the indicated action, and ordered ratified on motion by Councilmember Mariscal, seconded by Councilmember Trujillo, and carried on the following vote:

AYES:	Councilmembers Mariscal, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	Councilmembers Orach and Patino
ABSTAIN:	None

A. ORDINANCES
Recommendation of City Staff to waive the reading in full of all ordinances. Ordinances on the Consent Calendar will be adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of January 6, 2004 were approved as corrected.

C. BOND RELEASES
Authorization was given to release bonds posted in connection with Cherrywood Estates, Tract 5809, including a Faithful Performance Bond for the construction and installation of boundary walls in the amount of $148,680.00 with the order that the Contractor, Labor and Material Bond in the amount of $148,680.00 be held until June 2004; and a Faithful Performance Bond for the construction and installation of public landscaping and irrigation in the amount of $177,000.00 with the order that the Contractor, Labor and Material Bond in the amount of $138,500.00 be held until June 2004, and that the Planting and Irrigation Maintenance Bond in the amount of $15,000.00 be held until January 2005.

D. WARRANTS.
Warrant Nos. 110086 to 110340 in the amount of $1,823,328.41 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 109600, 109642 and 110083 were cancelled.

E. PAYROLL.
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads as shown on records on file in the Administrative Services Department and having been approved for payment by the Director of Administrative Services.

F. LOCAL EMERGENCY
Resolution No. 2004-10 was adopted continuing the proclamation of a local emergency due to a 6.5 magnitude earthquake that occurred near San Simeon on Monday, December 22, 2003, and subsequent on-going aftershocks.

Resolution No. 2004-10 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE CITY OF SANTA MARIA.

PUBLIC COMMENT PERIOD
Julie Dodson spoke in favor of fluoridation of City water.

Amber Rogers spoke in favor of fluoridation of City water.

Myrtle Parra commended the Council for having the Public Comment period at the beginning of the meeting.

Joan Walker commended the Police Department and County Sheriff's Department for the handling of the crowds at the Michael Jackson arraignment on January 13, 2004.

Mayor Lavagnino also commended the Police Department and all City staff involved in the planning for that event.

Ernest Armenta spoke in opposition to the upcoming high school bond measure and the $15 billion state bond measure on the March ballot, the Governor's budget proposal, and in favor of the Safe Drinking Initiative.

James Watson spoke in opposition to fluoridation of City water.

William Wagener commended the City and the County for charging news media for parking for the Michael Jackson arraignment, spoke against abortion and fluoridation.

ANNUAL TECHNICAL AMENDMENTS

Senior Deputy City Attorney Stockton gave the Staff Report. She pointed out one correction needed to the ordinance. In the title, the words "Conduct of Elections" should be deleted.

The proposed ordinance includes amendments to the Municipal Code to correct provisions that work ineffectively for technical reasons or need to be updated, modified or deleted because of changes in State law or in City operations. The changes include raising the potential penalties for infraction violations of building and safety codes from $100, $200 and $500 to $100, $500, and $1000; adding a provision that the City Attorney may not be dismissed from employment during the first 90 days after members of the City Council are seated; changing the powers and duties of the City Treasurer; repealing provisions for responding to public records request; changing a provision related to claims submittal; repealing a section requiring itinerant solicitors to post a surety bond; amending a provision to place co-responsibility for noise enforcement in the Code Compliance Director; amending a section of the property nuisance ordinance to clarify existing law; and adding a section to preserve local control over maintenance work on public works projects that are municipal affairs.

Councilmember Mariscal referred to Section 2-4.12 regarding removal of the City Attorney from office during the first 90 days after a Councilmember is seated. He asked for a definition of "for cause."

Senior Deputy City Attorney Stockton explained that it would mean the City had legitimate basis for removing the City Attorney. She supplied several examples.

Councilmember Mariscal confirmed that "removal for cause" would still remain even with the proposed technical amendments.

Mayor Lavagnino explained the City Council only had two employees it could hire and fire, the City Manager and the City Attorney. What this technical amendment would do is give the City Attorney 90 days to find another job in the event the Council wanted to fire the City Attorney. This is a common provision among cities. It is already in place for the City Manager.

Councilmember Trujillo indicated he was a high-ranking management employee for a private business for many years, and this was a standard provision for business. It is a reasonable protection.

Dorothy Lyman protested the Council continuing to give away its power and authority to staff. She spoke against the ordinance change for the City Attorney and the change related to records. She also spoke regarding the need to read ordinances in full.

James Gunn spoke against changing the ordinance amendment to protect the City Attorney when he is being investigated by the District Attorney for wrong doing.

William Wagener objected to the City Clerk's position being given to the City Manager. He talked about video tapes he had. He opposed the amendment to the ordinance to protect the City Attorney. He threatened another recall effort if the City Council passed the ordinance.

Ernest Armenta stated in the real world people did not get 90 days protection, but in this case it seemed fair. He talked about City Attorney Montandon's assistance to him in the past. He asked about the change related to not covering more than 50 percent of the front yard area.

Senior Deputy City Attorney Stockton explained that the 50 percent requirement was in the current ordinance, and the change was only to clarify that provision.

On motion by Councilmember Trujillo, second by Councilmember Mariscal, and carried on the following vote:

AYES: Councilmembers Mariscal, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: Councilmembers Orach and Patino
ABSTAIN: None

Ordinance No. 2004-01 was introduced by title only and continued to the regular meeting of February 3, 2004 for second reading and adoption.

Ordinance No. 2004-01 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA AMENDING VARIOUS SECTIONS OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO PENALTIES FOR CODE VIOLATIONS, REMOVAL FROM EMPLOYMENT, THE CITY TREASURER, PUBLIC RECORDS, CLAIMS PRESENTATION, ITINERANT SHOWS, SOLICITORS, APPEAL PROCEDURES, NOISE ENFORCEMENT, PROPERTY NUISANCE, AND MAINTENANCE ON PUBLIC WORKS.

REPORT BY CITY MANAGER
City Manager Ness reported on items for the February 3, 2004, City Council meeting including appointments to various Boards and Committees, the quarterly financial report, and a revised taxicab ordinance.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS
Councilmember Trujillo reported on the January 12, 2004 hearing on aging he had attended.

Councilmember Mariscal reported on a tour of Great White Dental's new facility and their solar power system.

Mayor Lavagnino reported on a letter he had sent on behalf of the City Council to the Santa Maria Times in response to an editorial which said the City Council needed to get serious about building housing for the residents of Santa Maria.

CLOSED SESSION
The City Council recessed at 7:35 p.m. to a Closed Session for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria and Conference with Legal Counsel regarding Initiation of Litigation – one matter pursuant to Government Code Section 54956.9 (c).

Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report. Information only.

Initiation of Litigation (1 matter) – Direction to Staff.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 8:32 p.m. by order of Mayor Lavagnino.

APPROVED February 3, 2004
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST
Chief Deputy City Clerk

Mayor of the City of Santa Maria